

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard Kabzinski, et al.

Confirmation No.: 5546

Application No.: 10/551,674

Group Art Unit: Not yet assigned

Filed: September 28, 2005

Examiner: Not yet assigned

Title: SECURITY SYSTEM AND METHOD FOR
COMPUTER OPERATING SYSTEMS

Mail Stop Missing Parts
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION

Sir:

Applicants and Secure Systems Ltd., which is assignee hereunder, respectfully request reconsideration of the Decision on Petition mailed June 6, 2007.

On October 3, 2006 applicants and the assignee filed a petition to the Commissioner to accept this application on behalf of fewer than all the named inventors, under 35 U.S.C. §116, second paragraph, and 37 C.F.R. §1.47(a). On June 1, 2007 or June 6, 2007—the paper copy of the Decision on Petition is ambiguous as to the mailing date—the Office dismissed the petition. The Office contended that Steven Starkie should submit a declaration establishing the pertinent facts as a first-hand statement from the person who tried to contact the non-signing inventor Russell Powers.

A proper declaration of Steven Starkie with exhibits is submitted concurrently herewith.

The declaration establishes that Mr. Starkie, a principal of the law firm of Griffith Hack of Perth, West Australia, who also represents Secure Systems Ltd., sent to Mr. Powers by letter dated May 23, 2006 and sent by Toll Priority (a courier service of Toll Transport Pty Ltd of Australia), restricted delivery, signature of receipt requested, a complete copy of the application as filed, including drawing figures, and an inventor's Declaration and Assignment, and requested

Mr. Powers to sign the Declaration and return it to him. The declaration states that Mr. Powers has not replied to that letter.

The declaration establishes that Toll Priority returned to Mr. Starkie a receipt stating that the carrier delivered the package to the specified address on "27/5/06" (May 27, 2006) and that Mr. Powers has not returned a signed Declaration.

Applicants and the assignee respectfully submit that the evidence herein including the declaration of Steven Starkie to the non-signing inventor satisfies the requirements of MPEP 409.03(d) pertaining to inventors who refuse to join an application.

Reconsideration is respectfully requested.

Applicants and Secure Systems, Ltd. believe that all required fees have been submitted herewith. However, throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to our deposit account 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER

Dated: August 1, 2007

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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

Submission date: August 1, 2007

by /ChristopherJPalermo#42056/